

**In the United States District Court
For the Eastern District of Pennsylvania**

Hilda L. Solis, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

John J. Koresko, V, et al.,

Defendants

Civil Action No. 2:09-cv-00988

**Motion for an Order Directing TD Bank, N.A. and PennMont Benefit Services, Inc. to
Repay Trust Policy Loans with a Detailed List of Loan Repayments Filed Under Seal**

1. By and through their attorney, Defendants Koresko Law Firm, P.C.; John J. Koresko, V; Jeanne Bonney; Koresko & Associates, P.C.; PennMont Benefit Services, Inc.; the Regional Employers' Assurance Leagues Voluntary Employees' Beneficiary Association Trust; the Single Employer Welfare Benefit Plan Trust; and Penn Public Trust [the "Koresko Parties"] previously filed a motion for an Order by way of injunction directing TD Bank, N.A. to repay policy loans taken ("the previous motion"), collateralized by Trust insurance policies, the proceeds of which are "frozen" by TD Bank, which is incorporated herein as though set forth at length, attached hereto as Exhibit A. The Court granted leave to file the instant second motion.

2. The Court by Order dated November 16, 2009 previously sealed copies of the loan checks which the Koresko Parties move to repay exactly as presented, which are set forth at Exhibit 13 of Sealed Volume II of the Koresko Parties' Motion for Emergency Temporary Restraining Order and Preliminary Injunction Against TD Bank, N.A., and to Seal Volume II.

3. The Koresko Parties attach under seal at Exhibit B the previously sealed Exhibit 13 as well as a summary spreadsheet with the information the Court indicated is required by its Order dated December 21, 2009; i.e., the loans to be repaid by amount, carrier payee and policy

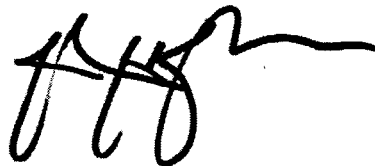
number. Wire instructions as needed by TD Bank are also on the spreadsheet. As these are not premium payments there is no "due date."

4. TD Bank, N.A. and F&M Trust reviewed a sample of the spreadsheet at Exhibit B when the Koresko Parties prepared the previous motion. TD Bank, N.A. and F&M Trust deemed that information sufficient to comply with the form of Order proposed herein. The information on the spreadsheet was determined sufficient for F&M to review for any objection thereto and for TD Bank to execute the loan repayments set forth. The previous motion contemplated that TD Bank and F&M Trust would receive Exhibit B upon this Court's Order to repay the loans, and that DOL would not.

5. Since interest is tolling on the loans, and because the posture of the case has thwarted the original intention of the loans, the Koresko Parties believe it would be in the best interest of the Trust's participants and beneficiaries for the loan proceeds to be repaid forthwith by way of Order in the form attached hereto.

6. Koresko Parties further request leave from the requirement of Local Rules to file any separate Memorandum of Law.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "J. Koresko", with a long horizontal flourish extending to the right.

John J. Koresko, V

December 24, 2009

**In the United States District Court
For the Eastern District of Pennsylvania**

Hilda L. Solis, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

John J. Koresko, V, et al.,

Defendants

Civil Action No. 2:09-cv-00988

ORDER

AND NOW this _____ day of December, 2009, having considered the Second Motion of Defendants Koresko Law Firm, P.C.; John J. Koresko, V; Jeanne Bonney; Koresko & Associates, P.C.; PennMont Benefit Services, Inc.; the Regional Employers' Assurance Leagues Voluntary Employees' Beneficiary Association Trust; the Single Employer Welfare Benefit Plan Trust; and Penn Public Trust seeking an Order directing TD Bank, N.A. to repay policy loans collateralized by Trust policies, the Motion is GRANTED.

And further, there having been evidence presented in this Court on November 12, 2009, that there are certain loan funds which are identifiable and could be repaid out of the 'frozen funds' the policy loans identified to the policies upon which they were taken, and the non-governmental Parties to this action being amenable thereto, notwithstanding the objection of the Department of Labor as to desiring certain identifying information about the policies and insureds,

IT IS HEREBY ORDERED that PennMont Benefit Services, Inc. shall provide F&M Trust Company and TD Bank, N.A. with a copy of the loan and reinstatement information prior to their confirmation of non-objection; and further

ORDERED that subject to F&M Trust Company, in its sole discretion, providing its non-objection in writing to TD Bank, N.A. concerning PennMont Benefit Services, Inc.'s loan repayment direction, T.D. Bank, N.A. shall within five (5) business days, repay out of the "frozen funds" [which are the subject of the interpleader complaint of TD Bank, N.A.] the policy loans identified by PennMont Benefit Services, Inc., by either wire transfer or check, based on information that PennMont Benefit Services, Inc., will provide; and further

ORDERED that TD Bank, N.A. and PennMont Benefit Services, Inc., shall certify to the Court and F&M Trust within five (5) business days of completion that such reinstatements have been completed; and further

ORDERED that no disclosure of information to the Department of Labor shall be permitted other than the Certification of Fact by TD Bank, N.A. and PennMont Benefit Services, Inc. that said repayments have been completed as directed.

, J.

CERTIFICATE OF SERVICE

I hereby certify that at my direction a true and correct copy of Defendants' Second Motion for an Order Directing TD Bank, N .A. and PennMont Benefit Services, Inc. to Repay Trust Policy Loans with a Detailed List of Loan Repayments Under Seal

were served this date, via ECF, upon the following:

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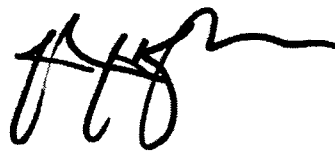
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A handwritten signature in black ink, appearing to read 'J. Koresko', written over a horizontal line.

John J. Koresko, V, Esq.

December 24, 2009